



Irish Council for
Civil Liberties

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Mr Pat McGrath
Board Chairperson
Health and Information Quality Authority (HIQA)
Head Office
Unit 1301
City Gate
Mahon
Cork

23 November 2012

Dear Mr McGrath,

Re: Possible HIQA inquiry in relation to the death of Ms Savita Halappanavar

I am writing to you on behalf of the Irish Council for Civil Liberties (ICCL), Ireland's independent human rights watchdog, in relation to the possibility that HIQA may conduct some form of inquiry into the recent death of Ms Savita Halappanavar at Galway University Hospital.

The ICCL has the highest respect for the work of HIQA and, in particular, for the rigour and professionalism of its investigative work. Consequently, the ICCL would welcome any action that HIQA might decide to take to complement the HSE "clinical review" being conducted under the chairmanship of Professor Sir Sabaratnum Arulkumaran.

However, the ICCL also wishes to recall that the late Mrs Halappanavar's spouse, Praveen, is entitled, by virtue of Article 2 of the European Convention on Human Rights, to an effective official investigation into his wife's death which meets a number of clear legal criteria. The case law of the European Court of Human Rights requires that such an inquiry:

- establish the cause of death of a patient in the care of the medical profession, whether in the public or private sector;
- enable any responsibility of the doctors / medical staff concerned to be established and any appropriate redress to be obtained;
- include all reasonable steps to secure evidence concerning the incident, including *inter alia* eyewitness testimony, forensic evidence, and, where appropriate, an autopsy providing a complete and accurate record of injury and an objective analysis of clinical findings, including the cause of death;

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- be conducted in a prompt and reasonably expeditious manner;
- include a sufficient element of public scrutiny of the investigation to secure accountability in practice as well as in theory;
- involve the next-of-kin of the deceased in the investigative procedure to the extent necessary to safeguard his legitimate interests.

The Irish Council for Civil Liberties has some doubts as to whether any inquiry conducted by HIQA would be capable of meeting all of these legal criteria. If this is not the case, Mr Praveen Halappanavar will remain entitled to a further inquiry that does effectively discharge the State's responsibilities under Article 2 of the European Convention on Human Rights.

I thought that you and your fellow Board members, to whom this letter is copied, would wish to be aware of these legal considerations in advance of your meeting today, and I hope that you will feel that this is a helpful and constructive initiative by the ICCL.

Yours sincerely,



Mark Kelly
Director

cc. HIQA Board Members:

Mr. Philip Caffrey, Professor Samuel J. McConkey, Ms Gráinne Tuke, Mr Cillian Twomey.